

## **REMARKS**

### **I. INTRODUCTION**

Favorable reconsideration of this application, in light of the present amendments and following discussion, is respectfully requested.

### **II. STATUS OF THE CLAIMS**

By the present amendment, Claim 5 is cancelled and Claim 7 is amended. That leaves Claims 3, 4, 6 and 7 pending with Claim 7 being the sole independent claim. It is respectfully submitted that no new matter is added herewith.

### **III. SUMMARY OF THE OFFICE ACTION**

In the Office Action, Claims 3 and 5-7 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,589, 227 to *Bickerstaff*; and Claim 4 is rejected under 35 U.S.C. § 103(a) as being unpatentable over *Bickerstaff*.

**IV. REJECTION OF THE CLAIMS**

**A. Rejection of Claims 3 and 5-7 under 35 U.S.C. § 102(b)**

Claims 3 and 5-7 are rejected under 35 U.S.C. § 102(b), as being anticipated by U.S. Patent No. 4,589, 227 to *Bickerstaff*. Applicant respectfully traverses.

Initially, Applicant notes that there appears to be a misunderstanding regarding the angle of departure feature of the claimed invention. In the Office Action, Figure 2 of *Bickerstaff* (reproduced below) is identified as showing the angle of departure of the claimed invention. However, Figure 2 of *Bickerstaff* does not show the angle of departure of the claimed invention but instead corresponds to Figure 2 of Applicant's disclosure (reproduced below). Figure 2 of *Bickerstaff* merely shows the curvature of the guide plate 12 in one dimension. Figure 2 of Applicant's disclosure similarly shows the curvature of rail 7 in one dimension.

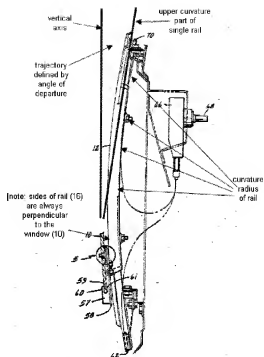


Figure 2 of Bickerstaff

FIG. 2

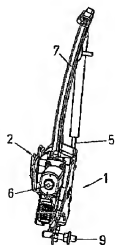


Figure 2 of Applicant's Disclosure

However, unlike the rail 16 of *Bickerstaff*, the rail of Applicant's disclosure is curved in a second respect or dimension, as seen in Figure 1 of Applicant's disclosure (reproduced below). The angle of departure  $\alpha$  of Applicant's disclosure relates to that second curvature of the rail 7.

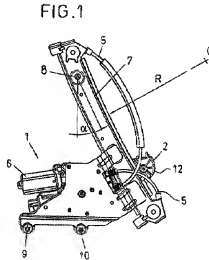


Figure 1 of Applicant's Disclosure

Moreover, the rail 16 of *Bickerstaff* is curved in only one respect (Figure 2 of *Bickerstaff*) where the rail 7 of Applicant's disclosure is curved in two respects or dimensions: one shown in Figure 2 of Applicant's disclosure and another shown in Figure 1 of Applicant's disclosure (see radius of curvature R). Applicant has amended independent Claim 7 to clarify the above, i.e. that the side of the rail perpendicular to the window is curved. That is in contrast to the side of the rail 16 of *Bickerstaff* which is straight. See col. 2, lines 7-9 of *Bickerstaff* ("a rigid guide rail 16, which follows the lateral curvature of plate 12, *but* is straight as viewed from the side") (emphasis added). Figure 1 of *Bickerstaff* clearly

shows that the side of rail 16 perpendicular to the window is straight and not curved, as in the claimed invention.

Although the Examiner indicated that the side of the rail 16 of *Bickerstaff* is perpendicular to the window 10 in addressing dependent Claim 5 (now cancelled), the Examiner did not identify which side of the rail 16 and the Examiner also overlooked the recitation in Claim 5 that that side of the rail is curved.

Anticipation requires that every limitation of a claim must identically appear in a prior art reference. See *Gechter v. Davidson*, 43 U.S.P.Q. 2d 1030, 1032 (Fed. Cir. 1997). It is clear that the limitations of the angle of departure and the side of the rail perpendicular to the window being curved do not identically appear in *Bickerstaff*. Absence from the prior art reference of any claimed element negates anticipation. See *Rowe v. Dror*, 42 U.S.P.Q.2d 1550, 1553 (Fed. Cir. 1997).

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection under 35 U.S.C. § 102.

#### **B. Rejection of Claim 4 under 35 U.S.C. § 103(a)**

Claim 4 is rejected under 35 U.S.C. § 103(a) as being unpatentable over *Bickerstaff*. Applicant submits that dependent Claim 4 is allowable over *Bickerstaff* for the same reasons discussed above. Therefore, Applicant respectfully requests reconsideration and withdrawal of the rejection of Claim 4 under 35 U.S.C. § 103(a).

#### **V. CONCLUSION**

In view of the foregoing discussion and present amendments, it is respectfully submitted that this application is in condition for allowance. An early and favorable action is therefore respectfully requested.

Please charge any shortage or credit any overpayment of fees to BLANK ROME LLP, Deposit Account No. 23-2185 (001058-00036). In the event that a petition for an extension of time is required to be submitted herewith and in the event that a separate petition does not accompany this response, Applicants hereby petition under 37 C.F.R. 1.136(a) for an extension of time for as many months as are required to render this submission timely. Any fee due is authorized above.

Respectfully submitted,

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